

WS-15J

November 2, 2001

Robert J. Whiting
Chief, Regulatory Branch
U.S. Army Corps of Engineers
St. Paul District
St. Paul, MN 55101-1638

RE: 94-01298-IP-DLB
Draft Data Needs Report Comments

Dear Mr. Whiting:

We have received and reviewed the draft Crandon Mine Project EIS Data Needs Report, dated September 2001. Thank you for the opportunity to review this document. The U.S. Environmental Protection Agency (EPA) understands the magnitude of the task that the U.S. Army Corps of Engineers (COE) is undertaking in coordinating available data and determining data needs to develop the federal Environmental Impact Statement (EIS) for the Crandon Mine Project. As a Cooperating Agency (no memorandum of understanding has been agreed upon at this time) we provide the below comments on the draft Data Needs Report.

Many comments on the mining company's Environmental Impact Report (EIR) and project resource categories have been provided by the U.S. Environmental Protection Agency (EPA) and other reviewers in the past, but for the most part, we do not know how these comments have been addressed. The U.S. Army Corps of Engineers (COE) and Montgomery Watson Harza (MWH) need to incorporate a comment/response summary as part of this data needs document so that important issues covering a wide-array of resource categories are readily available and not forgotten.

A data needs section on Environmental Justice (EJ) issues must be incorporated into this document. Data and information such as what impacts may occur and what these impacts may have on minority populations, such as to Native Americans, must be evaluated, and not just as part of a related resource category. EPA has provided the COE with various EJ related data and information over the last several years and can provide them again if needed. Also, a section just on the COE's (and other federal agencies) trust responsibility to the Tribes should be added. What data does the COE have and what additional data are needed to determine impacts on federal trust resources?

Comments:

1) Section 3.0, How Data Needs Were Developed

This section states that the information in this Data Needs Report were extracted from the data needs section of the resource work plans. The COE should provide the reviewers the complete resource work plans so that we may understand better the intended work proposed, purpose of the data available, and data needed.

2) Section 4.1.3, Additional Data Needs - Air Quality

- Primary: As mentioned during the Data Needs Meeting in Madison, WI on September 21, 2001, this section should reference the Barr Report that was developed for the COE. The Barr Report has summaries of data found in the EIR and elsewhere relating to hydrology data, groundwater modeling calibration target data, precipitation data analysis, evaporation data analysis, stream base flow and lake outlet rating curves.
- Secondary: The COE should include any data that they may get from air modeling relating to the Forest County Potawatomi air redesignation.
- The COE should encourage the WDNR to release their air impact analysis now instead of waiting for the State's draft EIS to be released or for the master hearing.

3) Section 4.2, Aquatic Biological Resources

What mathematical models of water flow and quality are being referred to in this paragraph? These should be detailed.

Section 4.2.3, Additional Data Needs - Aquatic Biological Resources

- Primary: Under Section 4.2.2 it states that much of the data within the EIR is out of date and it is not known if the data are representative of current conditions. The list of additional data needs does not seem to reflect the need to update the many out-dated studies that are listed under Section 4.2.
- Secondary: More study results from the Tribes and from the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) need to be included in this section. The COE should work closely with the Tribes in identifying what data the Tribes and GLIFWC have available.

4) Section 4.4, Ecosystem

Will there be an Ecosystem Specialist to perform a review of all of the individual parts (wetlands, aquatic, wildlife, vegetation, wild rice, etc.) and combine them to determine if there are any cumulative impacts on the overall ecosystem? This paragraph states that the available data from the other resources were not reviewed again to develop the ecosystem work plan. An ecosystem resource work plan should utilize all of the information from all other related resource data. Without seeing the ecosystem work plan, it is difficult to understand how impacts to the ecosystem will be determined.

5) Section 4.5.3, Additional Data Needs - Groundwater Hydrology

This section states that no additional primary or secondary data needs have been identified at this

time to address. Again, past comments on groundwater hydrology issues from the interested parties should be re-evaluated and included in this data needs review. If there are no further data needs, does this mean that the COE has everything it needs to complete its groundwater model? Or will the COE determine additional data needs once the MODFLOW model is further along. This section as written is unclear as to the project needs.

6) Section 4.6, Groundwater Quality

More data are needed or at least should be referred to regarding the potential contamination from the proposed grouting. Also, more data needs to be acquired regarding the potential of groundwater contamination due to aquifer recharge. The impact of mine closure due to vehicles/machinery left in the mine workings also needs to be addressed.

7) Section 4.7.2, Data Available and Adequacy - Health and Safety

All these sources are from the applicant. EPA submitted to the COE, a publication entitled, "Tribes at Risk, The Wisconsin Tribes Comparative Risk Project", dated October 1992 which can help address the last bullet in Section 4.7.1. This publication is out of date and should be updated by the COE. Also, other parties, such as GLIFWC, have submitted studies as well and these should be listed.

8) Section 4.8.1, Data Needed - Land Use Plans and Conflicts

This section should also mention data needs regarding the use (as per Treaty) of the ceded territory by the Chippewa Indians.

9) Section 4.10.3, Additional Data Needs - Noise and Vibration

There is nothing mentioned in this section about the need to evaluate neighboring land use, including recreational use as outlined in section 4.11, to determine impacts. Also, no mention if noise and vibration may impact wildlife in any way.

10) Section 4.12.2, Data Availability - Socioeconomics

Other reports are available regarding socioeconomics besides the four listed in this section. GLIFWC has a report, "Sulfide Mining, The Process and The Price - A Tribal Ecological Perspective" dated 1995. Also, there is a document entitled, "The Potential Cultural Impact of the Development of the Crandon mine on the Indian Communities of Northeast Wisconsin" by Charles Cleland, dated March 27, 1996. One additional document on this subject is by Tim Tynan, entitled, "Socioeconomic Review of the Crandon Project", dated September 27, 1996. All of these are older documents and should be updated.

11) Section 4.13.3, Additional Data Needs - Surface Water Hydrology

EPA is not sure if MWH will need to gather more surface water hydrology-related data or bio-assessment data after they have reviewed the EPA's HSPF model, since we have not yet had the opportunity to discuss this model with them. The results of HSPF may be able to assist the COE in their evaluation of surface water hydrology.

12) Section 4.14.2, Data Availability - Surface Water Quality

Data from the Tribes and from GLIFWC are available and have been supplied (?) to the COE and should be listed in this section.

13) Section 4.14.3, Additional Data Needs - Surface Water Quality

It is not clear as to why the first paragraph in this section only deals with Hemlock Creek and why Hemlock Creek would be so difficult to monitor. Please clarify.

14) Section 4.15.3, Additional Data Needs - Threatened and Endangered Species

Secondary: HSPF results should be able to assist in providing more data regarding seasonal water levels in potentially affected lakes.

15) Section 4.16, Traditional Cultural Properties

The COE should not restrict its evaluation of TCPs to just those listed or proposed for listing on the NRHP list. Many TCPs may not be eligible for the NRHP, but would still be of great importance to the Tribes.

16) Section 4.17, Transportation

Any impact due to potential increase in local air traffic due to the mine (fly overs, aerial photography, corporate jets, etc), either at Rhinelander airport or at the local Crandon airstrip?

17) Section 4.18, Vegetation Resources

More data are needed regarding the potential for the impacts caused by the introduction of exotic species of plants. Also, more data are needed on the use of native vegetation by the Tribes and the potential impacts due to the mine and restricted access to these plants.

18) Section 4.20.2, Data Availability and Adequacy - Wetland Resources

GLIFWC has worked on identifying wetlands in the area of the proposed mine and provided the COE with their wetland concerns. GLIFWC's work should be utilized where applicable.

19) Section 4.21.1, Data Needed - Wild Rice

This section needs to include the uses, value and importance of the wild rice to the Native Americans. Under Section 4.21.3, Additional Data Needs, EPA has previously provided the COE with a list of reports and articles on wild rice. Also, GLIFWC has the proceedings of the Wild Rice Research and Management Conference held in Carlton, Minnesota in July 1999. Another reference relating the importance of wild rice to the Tribal Culture is a book entitled, "Wild Rice and the Ojibway People", by Thomas Vennum Jr., 1988.

20) Section 4.22.2, Data Availability and Adequacy - Wildlife Resources

This section states that the information from prior surveys appears to be sufficient to assess direct impacts and plan mitigation measures, but that not enough is known about indirect impacts. It seems that if the MODFLOW and HSPF models are not yet complete, then the COE should not be stating that information is sufficient to assess direct impacts. MODFLOW and HSPF results

should be listed under the primary data needs. The bioassessors and ecologists will be able to use the results of these models to help determine the direct impacts to wildlife. Also, similar to the comments for the Ecosystem Resources, all of the other resource categories need to be determined prior to fully realizing what the potential impacts could be to the wildlife resources in the area around the mine and wetland restoration area.

Thank you for the opportunity to review this document and to provide comments to you. Further comments regarding data needs may be forthcoming depending on responses to the comments above and depending on future reviews of COE draft and final documents. If you have any questions on the above, please give me a call at 312-886-7252.

Sincerely,

Daniel J. Cozza, Crandon Mine Project Manager
U.S. Environmental Protection Agency

cc:

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